

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**December 18, 2000**

At 9:31 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session. Present: Davis, Acting Presiding Justice; Raye, Associate Justice; Hull, Associate Justice; and Rios, Bailiff. Calendar called.

**C030053**

**ONYON, etc., et al. v. A.L. GILBERT COMPANY et al.**

Cause Called. Gary R. Selvin argued for appellants. James M. Sobolewski appeared for appellants but did not argue. Jeffrey R. Williams argued for respondents with additional citations. John S. Worden appeared for respondents but did not argue. Cause Submitted.

Court recessed at 9:55 a.m., until 9:30 a.m., Tuesday, January 16, 2000.

**C033707**

**JUST SAY NO TO TOBACCO DOUGH CAMPAIGN et al. v. STATE OF CALIFORNIA et al.**  
**(Not for Publication)**

The judgment is affirmed.

DAVIS, Acting P.J.

I concur: Nicholson, J.

I concur: Raye, J. (See concurring opinion.)

**C034962**

**JUAREZ v. GALT JOINT UNION HIGH SCHOOL DISTRICT**  
**(Not for Publication)**

The judgment is affirmed. The District shall recover its costs on appeal.

SIMS, J.

We concur: Scotland, P.J.

Morrison, J.

**COURT OF APPEAL  
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**December 18, 2000 continued**

**C034318                    WAREMART, INC. v. PROGRESSIVE CAMPAIGNS, INC. et al.**  
**(Certified for Publication)**

The judgment is affirmed.  
                                 SCOTLAND, P.J.  
We concur:    Morrison, J.  
                                 Hull, J.

**C035195                    THE PEOPLE v. HELTON                    (Not for Publication)**

The judgment is affirmed.  
                                 BLEASE, Acting P.J.  
We concur:    Nicholson, J.  
                                 Raye, J.

**C035901                    THE PEOPLE v. RHODEN                    (Not for Publication)**

The judgment is affirmed.  
                                 BLEASE, Acting P.J.  
We concur:    Nicholson, J.  
                                 Raye, J.

**C028566                    WALTZ v. FIRST CALIFORNIA CAPITAL MARKETS GROUP OF  
SANFRANCISCO                    (Not for Publication)**

The judgment is reversed and the cause is remanded to the trial court for further proceedings consistent with the views expressed in this opinion. Appellant shall recover her costs on appeal. (Cal. Rules of Court, rule 26(a).)  
                                 SCOTLAND, P.J.  
We concur:    Morrison, J.  
                                 Hull, J.

**December 19, 2000**

**C030552                    GOMEZ v. GOMEZ**  
Appellant's petition for rehearing is granted. The decision filed on November 20, 2000, is vacated. Appellant's request for judicial notice is deferred.  
                                 SIMS, Acting P.J.  
I would deny the requests for rehearing and judicial notice.  
                                 Nicholson, J.

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**December 19, 2000 continued**

- C031035                    MOORE et al. v. J. R. SIMPLOT COMPANY                    (Not for Publication)**  
The judgment is affirmed.  
                                 SCOTLAND, P.J.  
We concur:    Nicholson, P.J.  
                                 Morrison, J.
- C035951                    THE PEOPLE v. LEMAS                    (Not for Publication)**  
The judgment is affirmed.  
                                 RAYE, J.  
We concur:    Blease, Acting P.J.  
                                 Nicholson, J.
- C034940                    THE PEOPLE v. LIM                    (Not for Publication)**  
The orders granting defendant's motion to suppress and dismissing the case under section 1385 are reversed, and the matter is remanded to the trial court for further proceedings.  
                                 SIMS, J.  
We concur:    Scotland, P.J.  
                                 Blease, J.
- C030308                    BUCKLEY et al. v. BUTTE COMMUNITY COLLEGE DISTRICT et al.                    (Not for Publication)**  
The judgment is affirmed.  
                                 MORRISON, J.  
We concur:    Scotland, P.J.  
                                 Hull, J.
- C031553                    CHUMLEY v. CHUMLEY et al.                    (Not for Publication)**  
The order is reversed and the matter is remanded for the entry of a new order distributing the estate among the appellants. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 26(a).)  
                                 KOLKEY, J.  
We concur:    Davis, Acting P.J.  
                                 Raye, J.
- C034893                    COUNTY OF SACRAMENTO v. WHITE                    (Not for Publication)**  
The judgment (order) is affirmed.  
                                 BLEASE, Acting P.J.  
We concur:    Nicholson, J.  
                                 Kolkey, J.

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**December 19, 2000 continued**

**C028318**                      **THE PEOPLE v. DERAGON**                      **(Not for Publication)**  
The judgment is affirmed.  
                                 SCOTLAND, P.J.  
We concur:      Morrison, J.  
                                 Kolkey, J.

**December 20, 2000**

**C033467**                      **HEAVENLY VALLEY et al. v. EL DORADO COUNTY BOARD OF  
EQUALIZATION et al.**                      **(Certified for Publication)**  
It is ordered that the opinion filed herein on November 27, 2000, be  
modified as follows:

...  
There is not change in the judgment.  
The petition for rehearing is denied.  
                                 SIMS, Acting P.J.  
We concur:      Raye, J.  
                                 Hull, J.

**C035387**                      **THE PEOPLE v. KIRCH**                      **(Not for Publication)**  
The judgment is affirmed.  
                                 SCOTLAND, P.J.  
We concur:      Sims, J.  
                                 Raye, J.

**C032877**                      **THE PEOPLE v. COOK**                      **(Not for Publication)**  
The judgment is affirmed.  
                                 BLEASE, J.  
We concur:      Scotland, P.J.  
                                 Sims, J.

**C031222**                      **THE PEOPLE v. FULFORD**                      **(Not for Publication)**  
The judgment is affirmed.  
                                 KOLKEY, J.  
We concur:      Sims, Acting P.J.  
                                 Raye, J.

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**December 20, 2000 continued**

**C031912**

**SU SALUD, INC. v. IRMA D. HARRIS et al.**

**(Not for Publication)**

We reverse the order of the trial court to the extent that the right to attachment order and writ of attachment name Ermon Harris as a defendant. Otherwise, we affirm the order of the trial court and remand for further proceedings consistent with the views expressed in this opinion. The parties shall bear their own costs on appeal.

KOLKEY, J.

We concur: Sims, Acting P.J.

Raye, J.

**December 21, 2000**

**C035631**

**In re BRANDON G.; DEPARTMENT OF HEALTH AND HUMAN  
SERVICES v. KATHLEEN G.**

**(Not for Publication)**

The orders appealed from are affirmed.

SIMS, J.

We concur: Scotland, P.J.

Raye, J.

**C034018**

**FRIENDS OF MINERAL et al. v. COUNTY OF TEHAMA**

**(Not for Publication)**

The trial court properly granted County's demurrer without leave to amend. The judgment of dismissal is affirmed. County shall recover its costs on appeal.

RAYE, J.

We concur: Sims, Acting P.J.

Hull, J.

**C032956**

**THE PEOPLE v. WALKER**

**(Certified for Partial Publication)**

The sentence imposed is modified to strike the order that defendant comply with the requirements of sections 296 and 296.1. As modified, the judgment is affirmed. The trial court is directed to amend its records to reflect our modification of the judgment.

SIMS, J.

We concur: Scotland, P.J.

Blease, J.

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**December 21, 2000 continued**

**C030298**

**KYLE O. v. DONALD R. et al. (Certified for Partial Publication)**

The judgment is reversed, and the matter is remanded to the trial court with directions...The grandparents' request for attorney fees on appeal is denied. The grandparents shall pay Kyle's costs on appeal. (Cal. Rules of Court, rule 26(a).)

SCOTLAND, P.J.

We concur:   Sims, J.  
                  Hull, J.

**C034420**

**In re the Marriage of CRAMER**

Good cause appearing appellant's motion to recall the remittitur is granted. (See California Rules of Court, rule 41(c).) This court's dismissal order of July 25, 2000, is vacated and the appeal is reinstated. It is further ordered that the remittitur issued July 25, 2000, be recalled. The Sacramento County Clerk is directed to immediately return the remittitur.

Appellant is to serve and file his opening brief on or before January 22, 2001. No further time will be granted. Failure to timely file will result in immediate dismissal unless good cause is shown. (See California Rules of Court, rule 17(a).)

SCOTLAND, P.J.

**C034689**

**In re the Marriage of CRAMER**

Good cause appearing appellant's motion to recall the remittitur is granted. (See California Rules of Court, rule 41(c).) This court's dismissal order of July 26, 2000, is vacated and the appeal is reinstated. It is further ordered that the remittitur issued July 26, 2000, be recalled. The Sacramento County Clerk is directed to immediately return the remittitur.

It is further ordered that appellant's December 18, 2000, motion to recall the remittitur is dismissed as moot.

Appellant is to serve and file his opening brief on or before January 22, 2001. No further time will be granted. Failure to timely file will result in immediate dismissal unless good cause is shown. (See California Rules of Court, rule 17(a).)

SCOTLAND, P.J.

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**December 21, 2000 continued**

**C034920**

**In re the Marriage of CRAMER**

Good cause appearing appellant's motion to recall the remittitur is granted. (See California Rules of Court, rule 41(c).) This court's dismissal order of July 25, 2000, is vacated and the appeal is reinstated. It is further ordered that the remittitur issued July 25, 2000, be recalled. The Sacramento County Clerk is directed to immediately return the remittitur.

Appellant is to serve and file his opening brief on or before January 22, 2001. No further time will be granted. Failure to timely file will result in immediate dismissal unless good cause is shown. (See California Rules of Court, rule 17(a).)

SCOTLAND, P.J.

**C035568**

**In re the Marriage of CRAMER**

Good cause appearing appellant's motion to recall the remittitur is granted. (See California Rules of Court, rule 41(c).) This court's dismissal order of July 26, 2000, is vacated and the appeal is reinstated. It is further ordered that the remittitur issued July 26, 2000, be recalled. The Sacramento County Clerk is directed to immediately return the remittitur.

Appellant is to serve and file his opening brief on or before January 22, 2001.

SCOTLAND, P.J.

**C030300**

**Estate of ORR; RUTLEDGE et al. v. ORR, a Minor etc.  
(Not for Publication)**

The judgment (order) is affirmed.

SCOTLAND, P.J.

We concur:   Sims, J.  
                  Hull, J.

**C030839**

**THE PEOPLE v. RAMOS                   (Not for Publication)**

Defendant's sentence and the order revoking his probation are vacated. The matter is remanded to the superior court for further proceedings consistent with this opinion.

BLEASE, Acting P.J.

We concur:   Davis, J.  
                  Raye, J.

**COURT OF APPEAL  
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**December 22, 2000**

**C031927**

**SACRAMENTO COUNTY DEPUTY SHERIFFS' ASSOCIATION v.  
COUNTY OF SACRAMENT (Certified for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

We concur: Blease, J.

Raye, J.